

REMARKS

This Amendment, submitted in response to the Office Action dated February 14, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-5 are now all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 112

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserts that claim 1 merely recites functional results without reciting the structural features that provide such.

However, claim 1 recites a disk cartridge, a center core in a disk cartridge, and a drive spindle. Therefore, structural elements which obtain functional results are clearly disclosed in the claims. Furthermore, there is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper. MPEP 2173.05(g). However, in order to expedite prosecution of the present application, Applicant has amended claim 1 as indicated above. Consequently, Applicant respectfully requests that the §112, second paragraph rejection of claim 1 be withdrawn.

II. Allowable Subject Matter

The Examiner has indicated that claim 2 contains allowable subject matter and would be allowable if rewritten in independent form. At the present time, Applicant has not rewritten

claim 2 into independent form since Applicant believes claim 2 will be deemed allowable, without amendment, by virtue of its dependency to claim 1.

With respect to the Examiner's reasons for allowance, Applicant submits that the claims should be governed by the actual claim language and not by the Examiner's reasons for allowance. For example, the claims do not recite a "disk cartridge having a disk mounted on a center core."

III. New Claims

Applicant has added claims 3-5 to provide a more varied scope of protection. Claims 3 and 4 should be deemed allowable by virtue of their dependency to claim 1. Claim 5 recites subject matter similar to claim 1 but includes "means plus function" terminology directed to the protrusions.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 10/656,176

Attorney Docket No.: Q77353

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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